



Administrative Policies and Procedures: 16.59

Subject:	Disclosure of Legal Options and Available Services for Relative Caregivers
Authority:	TCA 37-5-106
Standards:	DCS 6-503 A, 6-504 B, 6-505 B, 6-506 B, 12-500, 12-501

Policy Statement:

In accordance with [DCS Policy 16.46, Assessment and Placement of Children in Foster Care](#), placement with a relative who can provide safety, permanence and ensure well being for a child/youth shall be preferred over that of a non-relative. DCS staff must inform relative/kinship caregivers of their options and associated support services, prior to entering a safety plan or placement agreement.

Purpose:

DCS has an obligation to minimize the impact of trauma on children who are removed from their homes. Often trauma of separation is reduced when children are placed with relatives. DCS also must maximize placement stability for children in its care. The likelihood of placement stability may be increased when relatives know the legal options and support services that are available to support them to help children regain their sense of permanence, safety, and well being.

Procedures:

A. Pre-Placement

1. When a child comes to the attention of the Department and is at-risk of or the victim of abuse or neglect and in need of out-of-home care, it is the responsibility of Departmental staff to engage the family in identifying relatives who may be willing to serve as a placement resource. Staff shall make reasonable attempts to contact the relatives and assess their appropriateness to serve as a resource.
2. Prior to the initial placement of a child in the home of a relative, the Department of Children's Services staff shall inform relatives of their options as relative caregivers and the available services based on the option selected.
3. The [Relative Caregiver](#) and their home must be assessed, in order to ensure that the placement is safe and in the best interest of the child, and to accurately help the family decide which option is best for them.
4. It may be determined, during the assessment process, that the child does not need to come into the custody of the Department, and that a less-restrictive option is appropriate.

<p>B. Considerations in Assessing Legal Options for Relative Caregivers</p>	<ol style="list-style-type: none"> 1. The likelihood of reunification with birth parent(s) and what role DCS staff and the caregiver need to play in achieving that goal. 2. The relationship the Relative Caregivers have with the birth parents, their ability to manage parental visitation and ability to ensure the child's safety. 3. The relative caregiver's current financial situation and whether additional resources would be needed in order to ensure the safety, permanency and well-being of the child. 4. The level of involvement and types of services that will need to be provided by DCS to the relative caregiver and child in care in order to maintain safety, permanency and well-being. 5. The level of support and types of services that will be needed should the relative agree to assume legal responsibility.
<p>C. Disclosures of Available Options and Services</p>	<p>The Department shall provide written information to relative caregivers prior to the time children are placed in their home and to relatives who are being assessed as a placement resource. The information shall explain the differences between available options and services. The options detailed below are listed from least to most restrictive. Decisions will be made with the family based upon individual needs of the child and family – considering the factors of safety, permanence and well-being.</p> <ol style="list-style-type: none"> 1. <u>Family-Arranged Care</u> – The Relative Caregiver provides primary care of child without any change in legal custody, legal rights, or legal responsibilities of the birth parents (i.e. Safety Placement). This arrangement is an agreement between families members, is not legally binding and can be withdrawn at anytime: <ol style="list-style-type: none"> a) The child may be eligible to receive Families First Child Only Grant and TennCare (depending on the child's income and having at least a fifth degree of relationship to the caregiver): <ul style="list-style-type: none"> ▪ \$140 + TennCare - 1 child ▪ \$192 + TennCare - 2 children ▪ \$232 + TennCare - 3 children ▪ \$242 + TennCare - 4 children ▪ \$291 + TennCare - 5 children ▪ \$305 + TennCare - 6 children ▪ \$345 + TennCare - 7 children ▪ \$386 + TennCare - 8 children ▪ \$425 + TennCare - 9 children ▪ \$467 + TennCare - 10 children b) In order to receive a Families First Child Only Grant, the relative caregiver

must also be related to the child within at least the fifth degree (i.e. Fifth Cousin).

- c) The Department of Children's Services will not remain involved with family and family does not qualify for foster care board payment;
- d) The Relative Caregiver and child may receive community-based services, including services through the Relative Caregiver Program.

2. **Power of Attorney** – Legal agreement between parent(s) and relative caregiver to transfer “temporary care giving authority” for medical and educational decision making in hardship situations:

- a) The child may be eligible to receive Families First Child Only Grant (depending on child's income and having at least a fifth degree of relationship to the caregiver) and TennCare;
- b) The Department of Children's Services will not remain involved with family and family does not qualify for foster care board payment;
- c) No transfer of legal custody & no ongoing involvement with courts;
- d) The Relative Caregiver and child may receive community- based services, including services through the Relative Caregiver Program.

3. **Legal Custody** – Relative Caregiver is granted legal custody/guardianship by court order (juvenile, circuit, or chancery):

- a) The Child may be eligible to receive Families First Child Only Grant and TennCare (depending on income of child and having at least a fifth degree of relationship to the caregiver);
- b) Parental Rights are not terminated;
- c) The Department of Children's Services is not involved and family does not qualify for foster care board rate;
- d) The Relative Caregiver and child may receive community- based services, including services through the Relative Caregiver Program.

4. **Kinship Foster Care** – The child is in the custody of the Department of Children's Services and placed in the home of a Relative Caregiver or other adult with a significant relationship.

- a) The Relative Caregiver shall be informed of their options as caregivers prior to placement and that the Department will be working to secure a permanent home for the child. It shall be explained to the relative caregiver that if reunification is not a viable option then they will be assessed to determine whether they can assume legal responsibility and provide a permanent home for the child.
- b) The Relative Caregiver shall undergo a background check, home study, and complete foster parent training classes (P.A.T.H.) in order to become an approved foster parent. There is an expedited process which gives the relative caregiver 120-days to complete the training while the child is placed in the home, but the background check and home study must be completed before placement.
- c) The Relative Caregiver is eligible to receive foster care board payment

	<p>and other services available through the Department of Children's Services, after becoming an approved foster parent. The relative caregiver may be eligible to receive the Child-Only Grant through the Department of Human Services (DHS) until board payments are approved.</p> <ul style="list-style-type: none"> d) The Relative Caregiver must participate in the permanency planning process in order to ensure that the child achieves permanency in a timely manner. e) The Department of Children's Services and juvenile court will monitor placement. <p>5. <u>Adoption</u> – Relative Caregiver becomes the permanent legal parent of the child.</p> <ul style="list-style-type: none"> a) Parental rights are terminated or surrendered by the birth parents through the courts; b) If the child is in DCS custody prior to adoption finalizing, the Relative Caregiver is usually eligible to receive an adoption subsidy; c) If the child is not in DCS custody prior to adoption finalizing, the Relative Caregiver is not eligible to receive an adoption subsidy. <p>6. <u>Permanent Guardianship</u> – Relative Caregiver or other adult with a significant relationship is granted Permanent Guardianship by court order (juvenile court).</p> <ul style="list-style-type: none"> a) The child must have resided with the caregiver for at least six months. b) Reunification and adoption must be shown to not be in the child's best interests at the time permanent guardianship is being sought; c) Parental rights are not terminated, but are limited; d) The Department of Children's Services does not remain involved with the family and family does not qualify for foster care board payment; e) The child may be eligible to receive Families First Child Only Grant (depending on child's income and having at least a fifth degree of relationship to the caregiver) and TennCare; f) The Relative caregiver and child may receive community-based services, including services through the Relative Caregiver Program.
D. Documentation	<ul style="list-style-type: none"> 1. All Department of Children's Services CPS staff and Case Managers must provide the <u>Guide for Relative Caregivers: Options and Available Services</u> at the time children are placed into relatives' homes and to relative caregivers being considered as prospective placement resources. 2. The relative caregiver and staff must sign and date <i>form CS-0660, Disclosure Statement – Options and Available Services for Relative Caregivers</i> indicating that options were explained. DCS staff must, also, include their contact telephone number on the form and document in the case notes that options were explained and the placement agreement was signed.

	Both the family and DCS staff must have a copy of form CS-0660 .
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Forms:	<p><u>CS-0660, Disclosure Statement - Options and Available Services for Relative Caregivers</u></p> <p><u>Power of Attorney</u></p> <p><u>Revocation of Power of Attorney</u></p> <p>(Note: The Power of Attorney (POA) forms are not DCS forms but are standard POA forms for DCS use as mandated by the Legislature. They can be accessed through the above links or on the DCS Intranet.)</p>
Collateral Documents:	<p><u>Guide for Relative Caregivers: Options and Available Services</u></p>